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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1035 (1995)

I. INTRODUCTION

1. The present progress report, submitted pursuant to Security Council resolution 1035 (1995) of 21 December 1995, summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my last report of 21 June 1996 (S/1996/460). It also provides a description of the United Nations role in the elections held in Bosnia and Herzegovina on 14 September 1996.

II. ELECTIONS

2. Elections for the Presidency of Bosnia and Herzegovina and higher-level bodies were held as scheduled on 14 September 1996, under the supervision of the Organization for Security and Cooperation in Europe (OSCE). On 29 September, the Provisional Election Commission officially certified the results of the elections as specified in the Dayton Agreement. Candidates of the ruling parties in the entities, Alija Izetbegović, Momčilo Krajišnik and Kresimir Zubak, were the winners in presidential polls. Mr. Izetbegović won the largest number of votes and will chair the Bosnian Presidency.

3. According to figures compiled jointly by the United Nations International Police Task Force (IPTF) and the Implementation Force (IFOR), approximately 20,000 voters crossed in buses and private vehicles from Bosniac-controlled areas of the Federation to the Republika Srpska. Bosniac voters casting their ballots in the Republika Srpska were directed by the local police to predesignated polling places, usually some distance from places at which Serbs were voting. Approximately 1,200 voters crossed into the Federation from the Republika Srpska and an estimated 25,000 to 30,000 voters from the Federal Republic of Yugoslavia crossed the international border to vote in the Republika Srpska.

4. The number of people crossing the Inter-Entity Boundary Line (IEBL) on election day turned out to be far lower than expected. This can be attributed at least in part to the postponement of the municipal elections by OSCE, which

meant that there was less reason for Bosniacs from the Federation to cross the IEBL into the Republika Srpska to vote. As a result, security problems during the election process were fewer than had been feared.

5. In preparation for the elections, IPTF chaired a series of meetings between the Ministers of Internal Affairs of the two entities, the Office of the High Representative, IFOR and OSCE, culminating in an agreement on election security. Nineteen secure voter routes were established for individuals travelling between the two entities on election day. Plans for transportation by bus, search procedures and additional polling locations were also established. Both Ministers acknowledged that security was the responsibility of the local police and agreed that no individuals would be arrested on war crimes charges unless indicted by the International Tribunal for the Former Yugoslavia. Finally, election planning and training teams met with police at the regional and municipal level to provide human rights training and assistance with election security planning.

6. A total of 1,692 IPTF monitors and large numbers of IFOR troops supervised the movement of voters around the country in a closely coordinated security operation. Most of those crossing the IEBL did so using the recommended voter routes. However, the IEBL remained unrestricted and open to crossings at other points by individual vehicles. Thus freedom of movement was assured on election day. No major incidents or casualties were reported and voting generally proceeded in an orderly fashion. There were only two confirmed cases in which buses were stoned - one carrying Bosniacs in eastern Bosnia by Serbs and the other carrying Bosniacs in Herzegovina, presumably by Croats. However, IPTF reported that, in general, the entities' security forces acted in accordance with the guidance from IPTF and with the agreement concluded by the two Ministers.

7. The electoral campaign was marked by certain abuses of the law enforcement structures by the three ruling parties. In Serb and Croat areas, Bosniacs who tried to campaign were prevented from doing so, opposition parties were harassed, sometimes violently, and their supporters openly intimidated by local authorities and by the cadres of the ruling parties. In Bosniac areas harassment of political opponents by supporters of the ruling Bosniac party, the Party of Democratic Action (SDA), was reported on various occasions.

III. ACTIVITIES OF THE MISSION

International Police Task Force

8. As at 13 September 1996, a total of 1,697 IPTF monitors from 34 countries were deployed in 53 operational stations. Levels of cooperation between the police forces of the entities and IPTF vary significantly. At the ministerial level, cooperation has increased with the Ministers of Internal Affairs having agreed to exchange information on those detained and arrested. With the cooperation of the Ministers, IPTF has pressed for, and obtained, the removal or transfer of several key police executives from their positions because of non-compliance. These officers include, among others, the Chief and Deputy Chief of West Mostar, the Chief of Ilidža and the Chief of Bugojno. Cooperation

at the local level also varies greatly by municipality. The recent situation in Zvornik, in which local police did not protect IPTF from an angry mob reacting to the IFOR detention of other Serb police in Mahala, underlines the vulnerability of IPTF monitors in the field.

9. Progress has been made with regard to police restructuring in the Federation. The police officer selection programme is under way and testing and screening of all Federation police candidates will be completed by November 1996. In August, 25 senior Federation police executives attended an IPTF leadership training programme in Germany. In the Republika Srpska, police authorities have adopted the principles and standards of democratic policing. Detailed negotiations with the Republika Srpska authorities on plans for the vetting and training of its police officers will be held immediately after the elections. Specific proposals for police assistance projects were submitted to a donors' conference held in Dublin on 28 September 1996.

10. IPTF is conducting an assessment of the overall criminal justice system in Bosnia and Herzegovina, including courts and prosecution offices, in order to avoid duplication of effort among independent international agencies. As a first step, a meeting of all the international agencies involved in the review of the legal system, chaired by IPTF on 6 September 1996, was attended by over 25 participants. IPTF will complete its assessment in late October, following which a commissioner's guidance on the criminal justice system will be prepared.

Civil Affairs

11. Civil Affairs officers have continued with their three main tasks: providing support to IPTF; reporting on and analysing local events and trends in political activity and human rights; and making available good offices for local confidence-building and problem-solving.

12. The information provided by Civil Affairs to IPTF regional, district and station commanders has greatly assisted the international police in their understanding of local political dynamics and in establishing working relationships with key actors in the areas under their jurisdiction. IPTF commanders and Civil Affairs officers have often worked together to address potentially explosive situations at the local level, and have thereby been able to reduce the level of tension and the potential for violence. They have also cooperated with other international actors to address human rights issues that might have broader political repercussions and to explore with them ways of better pursuing such cases at a higher level with the competent authorities.

13. The detailed reporting on local political developments provided by Civil Affairs officers has enabled UNMIBH to make a valuable contribution to discussions at national and regional levels on key issues relating to the implementation of the Dayton Agreement. This information, together with reports from IPTF, has also been made available to other international actors at their request, including the Office of the High Representative, IFOR and OSCE. Civil Affairs officers have regularly briefed international visitors to their areas.

14. On several occasions, Civil Affairs officers have made use of their contacts to facilitate meetings between members of different communities and to

assist community leaders to travel across the IEBL. They also act as focal points for the dissemination of information to local authorities on the programmes and activities of international organizations working in the country. In coordination with the Office of the High Representative, Civil Affairs officers have also made available their good offices to facilitate the establishment of local governing bodies on the Federation side.

Mine Action Centre

15. The United Nations Mine Action Centre (UNMAC) is now fully operational. The international staff consist of seven United Nations staff members and two experts on loan from a donor Government. By 30 September 1996, the UNMAC will have three regional offices in Mostar, Banja Luka and Tuzla. An additional office in Bihać is planned.

16. While the overall goal of the UNMAC programme remains the elimination of the risks posed to the civilian population by mines and unexploded ordnance, the immediate goal is to develop the capacity to address priority tasks, so that refugees and displaced persons can return to their homes and reconstruction projects can be rapidly implemented. To achieve those goals, a mine-action plan has been prepared for discussion with the Government of Bosnia and Herzegovina and interested donors. Some elements of the plan have already been initiated within the programmes of donors (the European Commission, the United States of America and the World Bank) and non-governmental organizations (Norwegian People's Aid). Several of these programmes have, however, been delayed by negotiations with the Government over project agreements and exemptions from taxation. With the imminent arrival of winter, a major effort is under way to carry out numerous essential small mine-clearance tasks in support of humanitarian activities. Planning is in progress to relocate mine-clearance capabilities to areas unaffected by winter conditions.

17. Detailed plans are being developed for the establishment of a national mine-clearance training capacity and an employment mechanism to make available between 1,500 and 2,000 deminers by April 1997 in support of efforts to meet the humanitarian and reconstruction needs of the country. A national management training programme aimed at assisting the Government to take over full responsibility for the programme will be implemented simultaneously. UNMAC is continuing to take the lead role in coordinating the mine-clearance programme, facilitating the implementation of activities and encouraging the Government and donors to work together towards a unified mine-clearance programme.

Coordination of United Nations assistance activities

18. In his capacity as United Nations Coordinator in Bosnia and Herzegovina, my Special Representative has convened regular inter-agency meetings to develop common approaches to issues within the United Nations system.

Trust Fund Unit

19. As noted in paragraph 6 of my previous report, the trust fund inherited from the Office of the Special Coordinator for Sarajevo and transferred to my Special Representative has been continuing to fund various quick-impact projects

in Sarajevo. Currently, out of a total of US $18.9 million pledged since the inception of the Office in 1994, approximately $3 million remain uncommitted in the fund, with further funds to be made available by donors when disbursement of the current funds is complete.

IV. OTHER ACTIVITIES OF THE UNITED NATIONS SYSTEM

United Nations High Commissioner for Human Rights

20. The United Nations High Commissioner for Human Rights provided substantive and technical support for two missions of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and for the issuing of her subsequent reports. The Special Rapporteur has made a number of statements and recommendations, and together with the Expert on Missing Persons initiated a humanitarian project for the removal of mortal remains from the Srebrenica area. The project was only partially successful, however, owing mainly to obstacles created by the Republika Srpska authorities.

21. The High Commissioner for Human Rights works closely with the Office of the High Representative, to which he has assigned two officers. Training courses were also organized for the OSCE human rights monitors, and assistance was given to the secretariat of the Election Appeals Subcommission of the Provisional Electoral Commission.

United Nations High Commissioner for Refugees

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued its efforts to implement Annex 7 of the Dayton Agreement. Although lack of security, restricted freedom of movement and destruction continued to delay large-scale returns during the period, there was an important increase in returns. UNHCR estimated that since the beginning of 1996 220,000 to 240,000 people had returned to their homes. Of these, some 30,000 returned in movements organized by UNHCR, but the great majority did so spontaneously. Return so far has been limited almost exclusively to areas where the returnees' own ethnic group is at present a majority.

23. UNHCR's direct aid for returnees focused on the repair of some 20,000 homes (15,000 in the Federation and 5,000 in the Republika Srpska). In June, UNHCR launched its "target areas" initiative. Twenty-three priority return areas were identified, where inadequate infrastructure, rather than security and political constraints, was the major obstacle. UNHCR has been mobilizing bilateral and multilateral donors to carry out quick, key rehabilitation work relating to shelter, schools, water, demining and so on in these areas.

24. Donor response to this approach has been positive, with over $50 million committed. Laying the foundation for return to minority areas, UNHCR also chaired working groups at different levels where the parties regularly come together to discuss issues related to return. It has also continued to facilitate visits by displaced persons to their home areas and has established nine bus lines enabling displaced persons to travel across the IEBL to their original homes.

25. Whether returns to minority areas will eventually materialize will depend on the political will of the parties, who have committed themselves to the undertakings contained in Annex 7. Developments so far have been discouraging, with UNHCR facing numerous obstacles. Through their actions and statements, political leaders have continued to express their lack of readiness for the return of minority groups. Should they maintain their separatist policies, the prospects for return will become increasingly bleak.

World Bank

26. The World Bank's mission in Bosnia and Herzegovina continues to support the economic reconstruction of the country through implementation of the reconstruction programme approved by the international community at the Brussels conference in December 1995.

27. A total of $325 million in World Bank funds has been mobilized in 13 specific projects to date. In addition a fund of $120 million is being managed by the Bank for co-financing these projects. The value of the projects prepared by the World Bank, now in implementation phase, is about $1 billion. As of mid-September, contracts signed using World Bank-administered funds totalled 640, for a value of $130 million.

28. The World Bank has made a major effort to help coordinate the work of donors participating in the reconstruction programme. Particular support has been provided to UNHCR for their priority refugee return programme. The World Bank has been able to mobilize substantial resources to rebuild houses in the UNHCR target zones and to implement job-creation programmes and other schemes for infrastructure development.

Other agencies

29. The International Labour Organization (ILO) Support Unit is cooperating with the Government in promoting emergency employment programmes for war-affected groups and the unemployed.

30. The United Nations Development Programme (UNDP) has now become operational in Bosnia and Herzegovina. It is providing support to local authorities in community development projects, supporting emergency rehabilitation programmes and assisting the Government in elaborating an economic and social transition strategy.

31. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has been working on several projects involving the repair and reconstruction of cultural and educational institutions, as well as various educational activities with other donors. UNESCO has also funded independent media outlets and given financial support to cultural activities.

32. The United Nations Children's Fund (UNICEF) continued its activities in health, education and psychosocial rehabilitation as well as water and sanitation programmes, which are directed at capacity-building and the development of sectoral structures. UNICEF cooperated with other United Nations

agencies to create contingency plans for possible emergency areas throughout the country.

33. The United Nations Office for Project Services (UNOPS) is collaborating with UNDP in an integrated area development programme aimed at strengthening civil society and governmental institutions at the cantonal and municipal levels.

34. During the reporting period, the World Food Programme (WFP) has increasingly taken over responsibility from UNHCR for the programming and management of food aid donated to Bosnia and Herzegovina through WFP. To better manage this task, WFP has strengthened its presence on the ground. In the current post-war situation, it is working with its counterparts to verify beneficiary numbers and re-categorize its caseload. It has been increasingly able to transport food aid by commercial transporters, thus providing vital support for this industry as well as saving transport costs. In August a further 37,000 tons of wheat grain arrived for onward processing and distribution from six mills in the country. As a result 500 jobs were created.

35. The World Health Organization (WHO) continued to provided humanitarian assistance while addressing the need to rehabilitate the health sector and ultimately to reduce the requirement for relief aid. WHO has focused on five core functions: coordination of the health sector; public health monitoring; mental health and psychosocial rehabilitation; physical rehabilitation; and health care reform and reconstruction.

V. OBSERVATIONS

36. The authorities and people of Bosnia and Herzegovina should be commended for the peaceful and orderly conditions under which the elections were held on 14 September. OSCE and IFOR are also to be commended for their important roles. I am gratified that IPTF made a major contribution to ensuring security on election day.

37. The elections mark the initiation of a new phase in the effort to restore stability and normal conditions to Bosnia and Herzegovina through the establishment of governing institutions on a democratic basis. The political leadership now has the opportunity to ensure that, in particular through the functioning of common institutions at the national level, all three communities can work towards the consolidation of a sovereign and united Bosnia and Herzegovina based on the rule of law, respect for the human rights of all peoples and the development of a representative democracy.

38. The post-electoral period will be the most crucial phase of implementation of the Dayton Agreement. I am concerned by some recent developments. The outcome of the elections must not be allowed to strengthen separatist tendencies, reinforce the results of 'ethnic cleansing' or confirm the division of Bosnia and Herzegovina along the Inter-Entity Boundary Line. The efforts of the international community must be directed towards encouraging the parties to build common political institutions that will work for the benefit of all.

39. The initial phase of the implementation of the Peace Agreement in Bosnia and Herzegovina was envisaged as lasting one year. As we approach the end of that period, there is a growing consensus on the need for a continued international presence to consolidate the gains achieved so far. It will be imperative to institutionalize coordination among the various organizations charged with implementing essential functions. In this regard consideration should be given to strengthening certain aspects of the civilian mandate. I should also like to reiterate my firm conviction that the continued presence of United Nations civilian police monitors is contingent upon the existence of a secure environment maintained by a credible international military force (see S/1995/1031, para. 29).

40. In the coming period the international community must rise to the challenge of working to reconstruct Bosnia and Herzegovina in a manner that promotes healing and mutual cooperation as well as rebuilding. One of the major tasks that in my view will need to be addressed by a continuing international presence is the protection of human rights and the promotion of international human rights standards among the various authorities in Bosnia and Herzegovina. A principal objective would be the establishment of strong national institutions to protect human rights, especially those of minority populations. This task should be assigned to one lead organization and be supported by others within their spheres of responsibility. If the Security Council decides in due course to extend the mandate of IPTF, consideration should be given as to how it might contribute to this function in cooperation with the High Commissioner for Human Rights.

41. Another important task will be to continue to ensure that those who wish to return to their former homes may do so under secure and dignified conditions. To date, almost none of the 1.5 million displaced persons and refugees whose homes are now under the control of the authorities of a different group have returned to them. Increasingly, contrary to the letter and spirit of the Dayton Agreement, the IEBL has acquired the status of a de facto border for people and goods.

42. The goal of the Peace Agreement has been commonly understood by the international community as being to restore peace and stability to Bosnia and Herzegovina as a sovereign, unified country composed of two entities with unprecedented autonomy, united through common governing institutions resulting from free and fair elections. It is my hope that with the creation of common institutions, elected authorities at the national and entity levels will devote themselves to countering the negative developments of recent years by focusing on healing the divisions that led to untold suffering. It is clear that the international community can succeed in its efforts to attain that goal only to the extent that leaders at all levels are themselves committed to achieving it. As part of a larger international effort the United Nations stands ready to do whatever it can, within the mandate it is given and the resources made available to it, to help restore peace, harmony and prosperity in Bosnia and Herzegovina.